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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,295	08/24/2001	Torsten Heinemann	011218	2544

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,295

Applicant(s)

HEINEMANN, TORSTEN

Examiner

McDermott, Kevin

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10 and 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the snow fence, ladder, steps, and flashing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, line 2 recites the pivot axis. There is insufficient antecedent basis for this limitation in the claims. Applicant does not claim the hinge so the "pivot axis" is not considered an inherent feature of the invention.

Regarding claim 6, line 2 recites "in the region". There is insufficient antecedent basis for this limitation in the claims.

Regarding claim 7, line 2 recites "its". This language is considered indefinite.

Regarding claim 10, line 1 recites "its". This language is also considered indefinite.

Regarding claim 12, line 2 recites "and/or" several times. This language is considered indefinite because it is not clear what applicant intends to claim. Additionally, line 2 recites "can be". This language is considered indefinite. Is the connecting device connected to these other features?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-10, and claim 7 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudden in view of Keel.

Rudden discloses in figures 1-4 and in column 2, line 58 to column 3, line 28, a siding panel system 10 including a plurality of siding panels 12 in an interlocking relationship. Each panel is formed of a one-piece preferably plastic enclosure 14 delimiting an insulation chamber 16. An insulating material 18 is disposed in the insulation chamber 16. The enclosure 14 defines a male engagement section 22 and a female engagement section 24 shaped to receive female and male engagement sections of adjacent siding panels.

The siding panel system 10 is the claimed covering arrangement for a building. The insulating material 18 is the claimed core and the plastic enclosure 14 is the

claimed upper and lower planar covering elements. The male and female engagement portions 22, 24 are the claimed complementary connecting devices by which means neighboring siding panels 12 are firmly connected together. The male engagement portion 22 is the claimed catch projection and the female engagement portion 24 is the claimed catch recess. Prior to being placed in a final position, the siding panels are moved through various relative positions.

However, Rudden does not specifically disclose the siding panels 12 having an elongate form, or the siding panels 12 being arranged on parallel elongate supports, such as rafters of a roof.

Keel discloses in column 1 a clapboard 15 comprised of a panel 20, a sealing strip-type interlocker 30, and a holding strip-type interlocker 40. Keel further discloses in figures 4 and 5 and in column 4, lines 30-35, attaching a plurality of clapboards 15, 19 to a supporting structure, such as trusses 13 of a roof, or studding of a wall. The member of the truss that defines the roof support is a rafter. Conventional construction practice installs trusses/rafters and wall studs parallel to each other in building construction and disposes the siding transversely on the rafters and studs. Column 3, lines 22-28 disclose the dimensions of the panels 20 being 14-1/4 inches by 8 feet. These dimensions indicate the clapboard has an elongate, strip-like form.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the siding panel system of Rudden so that the siding panels 12 have an elongate/striplike shape and are attached directly to studs or trusses/rafters of a structure.

One of ordinary skill would be motivated to make such a modification to provide a roof with sufficient weather proofness, freedom from warping, strength, lightness, stiffness, and durability.

Regarding claim 7 as best understood, the engagement portions 22, 24 extend over the length of the panels 12.

Regarding claim 8, engagement portions 22, 24 are part of the border regions of the panels 12 and regionally overlap.


Regarding claim 9, the regional border of the panels 12 containing the engagement portion 24 is drawn down, because it faces down.

Regarding claim 10, the regional border of the panels 12 containing the engagement portion 22 is drawn up, because it faces up.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

KM 4/26/03